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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE T. SMITH,  
Plaintiff,  
v.  
JAMES G. COX et al.,  
Defendants.

3:15-cv-00511-RCJ-VPC  
**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on March 31, 2016. (ECF No. 3). The screening order and a follow-up order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 3, 6, 11). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 16).

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is GRANTED. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This

1 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or  
2 service of subpoenas at government expense.

3         3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall  
4 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding  
5 month's deposits to Plaintiff's account (**Willie T. Smith, #91949**), in the months that the  
6 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The  
7 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.  
8 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of  
9 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV  
10 89702.

11         4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
12 of Plaintiff's complaint (ECF No. 4) on the Office of the Attorney General of the State of  
13 Nevada, attention Kat Howe.

14         5. Subject to the findings of the screening order and follow-up order (ECF No. 3,  
15 6), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office  
16 shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom  
17 it accepts service; (b) the names of the defendants for whom it does not accept service, and  
18 (c) the names of the defendants for whom it is filing the last-known-address information under  
19 seal. As to any of the named defendants for whom the Attorney General's Office cannot  
20 accept service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last  
21 known address(es) of those defendant(s) for whom it has such information. If the last known  
22 address of the defendant(s) is a post office box, the Attorney General's Office shall attempt  
23 to obtain and provide the last known physical address(es).

24         6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
25 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
26 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
27 Attorney General has not provided last-known-address information, Plaintiff shall provide the  
28 full name and address for the defendant(s).

DATED: This 29<sup>th</sup> day of September, 2016.

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